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Filing date: **11/25/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91179897
Party	Plaintiff Information Builders, Inc.
Correspondence Address	Howard F. Mandelbaum Levine & Mandelbaum 222 Bloomingdale Road, Suite 203 White Plains, NY 10605 UNITED STATES mail@levman.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Howard F Mandelbaum
Filer's e-mail	mail@levman.com
Signature	/Howard F Mandelbaum/
Date	11/25/2009
Attachments	Notice of Reliance 2.122d.pdf ( 4 pages )(10774 bytes ) Reg. No. 1,300,245.pdf ( 2 pages )(116547 bytes ) Reg. No. 1,652,265.pdf ( 2 pages )(113347 bytes ) Reg. No. 2,223,450.pdf ( 2 pages )(117949 bytes ) Reg. No. 2,223,457.pdf ( 2 pages )(117131 bytes ) Reg. No. 2,248,562.pdf ( 2 pages )(114308 bytes ) Reg. No. 2,606,298.pdf ( 2 pages )(115359 bytes ) Reg. No. 2,685,249.pdf ( 2 pages )(124753 bytes ) Reg. No. 2,989,088.pdf ( 2 pages )(120450 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X

INFORMATION BUILDERS, INC. :

Opposer, :

v. : Opposition No. 91179897

BRISTOL TECHNOLOGIES, INC. :

Applicant. :

-----X

**OPPOSER'S NOTICE OF RELIANCE UNDER RULE 2.122(d)**

Opposer, Information Builders, Inc., hereby gives notice that it will rely on the following official records of the Patent and Trademark Office, copies of which are annexed hereto:

1. Copy of U.S. Trademark Registration No. 1,300,245 for the mark PC/FOCUS registered 10/16/1984, said copy issued by the Patent and Trademark Office on November 20, 2009 showing both the current status of and current title to the registration.

2. Copy of U.S. Trademark Registration No. 1,652,265 for the mark FOCUS registered July 30, 1991, said copy issued by the Patent and Trademark Office on November 18, 2009, showing both the current status of and current title to the registration.

3. Copy of U.S. Trademark Registration No. 2,223,450 for the mark FOCUS FORECASTING registered 10/16/1984, said copy issued by the Patent and Trademark Office on November 20, 2009, showing both the current status of and current title to the registration.

4. Copy of U.S. Trademark Registration No. 2,223,457 for the mark FOCUS FORECASTING registered 10/16/1984, said copy issued by the Patent and Trademark Office on November 20, 2009, showing both the current status of and current title to the registration.

5. Copy of U.S. Trademark Registration No. 2,248,562 for the mark WEBFOCUS registered June 1, 1999, said copy issued by the Patent and Trademark Office on November 20, 2009, showing both the current status of and current title to the registration.

6. Copy of U.S. Trademark Registration No. 2,606,298 for the mark FOCUS registered July 30, 1991, said copy issued by the Patent and Trademark Office on November 18, 2009, showing both the current status of and current title to the registration.

7. Copy of U.S. Trademark Registration No. 2,685,249 for the mark WEBFOCUS registered 02/11/2003, said copy issued by the Patent and Trademark Office on November 19,

2009, showing both the current status of and current title to the registration.

8. Copy of U.S. Trademark Registration No. 2,989,088 for the mark FOCUS registered 8/30/2005, said copy issued by the Patent and Trademark Office on November 24, 2009, showing both the current status of and current title to the registration.

Opposer is relying on these registrations as evidence of its exclusive right to use the registered marks in U.S. commerce with the goods recited therein. Opposer is also relying on these registrations as evidence of its family of different trademarks all of which include its house mark, namely, FOCUS.

Respectfully submitted,

INFORMATION BUILDERS, INC.

New York, New York  
Dated: November 25, 2009

/Howard F. Mandelbaum/  
Howard F. Mandelbaum  
Attorney for Opposer  
Levine & Mandelbaum  
222 Bloomingdale Road  
Suite 203  
White Plains, New York 10022  
(914) 421-0500

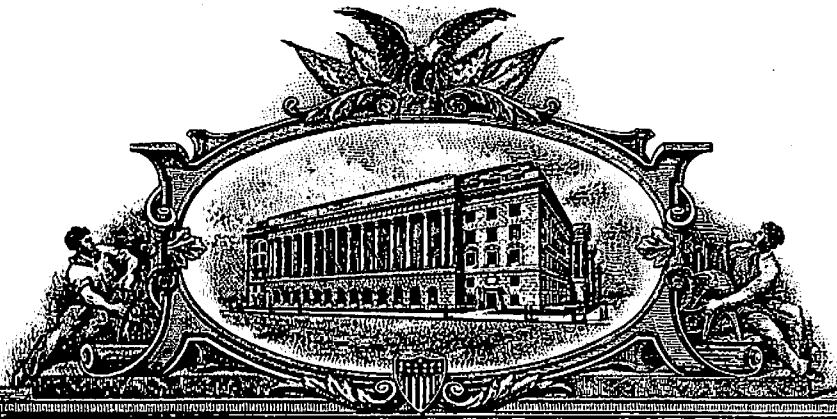
**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing  
OPPOSER'S NOTICE OF RELIANCE UNDER RULE 2.122(d) has been  
forwarded, this November 25, 2009 by email and by first  
class mail to:

Roger L. Belfay, Esq.  
829 Tuscadora Avenue  
Saint Paul, Minnesota 55102

/Howard F. Mandelbaum/  
Howard F. Mandelbaum

7212890



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**November 20, 2009**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,300,245 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *October 16, 1984***

**1st RENEWAL FOR A TERM OF 10 YEARS FROM *October 16, 2004***

**SECTION 8 & 15**

**SAID RECORDS SHOW TITLE TO BE IN:**

***REGISTRANT***

**By Authority of the**

**Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

  
**N. WILLIAMS**

**Certifying Officer**



**Int. Cl.: 9**

**Prior U.S. Cl.: 38**

**United States Patent and Trademark Office**

**Reg. No. 1,300,245**

**Registered Oct. 16, 1984**

**TRADEMARK**  
**Principal Register**

**PC/FOCUS**

Information Builders, Inc. (New York corporation)  
1250 Broadway  
New York, N.Y. 10001

For: DISKETTES CONTAINING A  
MICROPROCESSOR PROGRAM FOR USE IN  
PREPARATION OF REPORTS AND GRAPHS  
FROM DATA STORED IN A PERSONAL COM-  
PUTER, in CLASS 9 (U.S. Cl. 38).

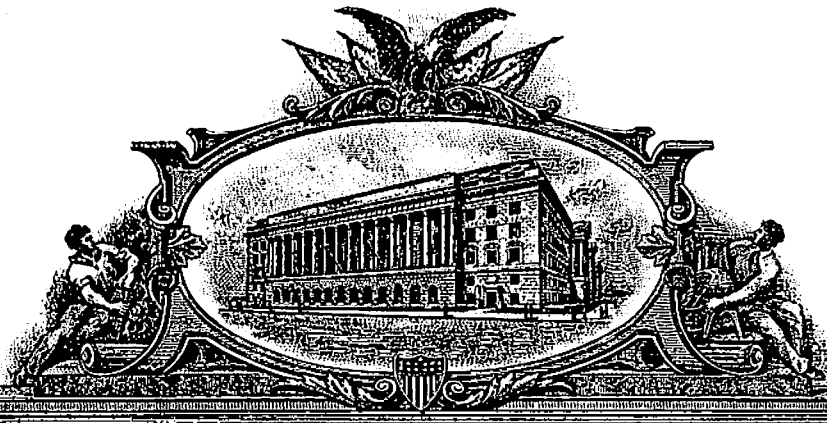
First use Dec. 10, 1982; in commerce Dec. 10,  
1982.

No claim is made to the exclusive right to use the  
term "PC", apart from the mark as shown.

Ser. No. 407,474, filed Dec. 27, 1982.

THOMAS S. LAMONE, Examining Attorney

7212890



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

November 18, 2009

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,652,265 IS  
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**REGISTERED FOR A TERM OF 10 YEARS FROM July 30, 1991**

**1st RENEWAL FOR A TERM OF 10 YEARS FROM July 30, 2001**

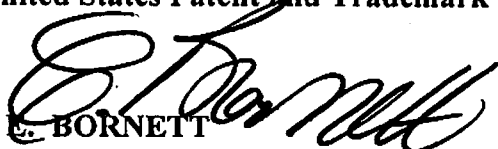
**SECTION 8**

**SAID RECORDS SHOW TITLE TO BE IN:**

*Registrant*

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and Director of the United States Patent and Trademark Office**

  
**E. BORNETT**

**Certifying Officer**





Int. Cl.: 9

Prior U.S. Cl.: 38

**United States Patent and Trademark Office** **Reg. No. 1,652,265**  
**Registered July 30, 1991**

**TRADEMARK  
PRINCIPAL REGISTER**

**FOCUS**

INFORMATION BUILDERS, INC. (NEW YORK  
CORPORATION)  
1250 BROADWAY  
NEW YORK, NY 10001

FOR: COMPUTER PROGRAMS FOR DATA  
BASE MANAGEMENT, IN CLASS 9 (U.S. CL.  
38).

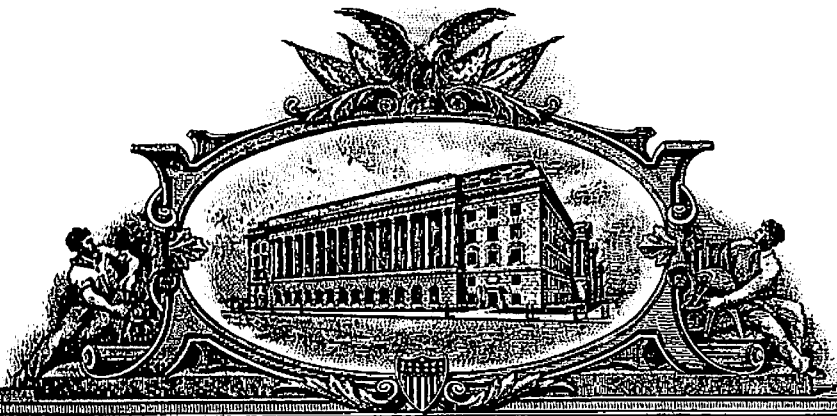
FIRST USE 3-0-1975; IN COMMERCE  
3-0-1975.

OWNER OF U.S. REG. NOS. 1,300,240,  
1,478,426, AND 1,478,427.

SER. NO. 74-090,566, FILED 8-23-1990.

LINDA W. BUSHEE, EXAMINING ATTORNEY

7212890



# THE UNITED STATES OF AMERICA

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**United States Patent and Trademark Office**

**November 20, 2009**

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PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM February 16, 1999**

**1st RENEWAL FOR A TERM OF 10 YEARS FROM February 16, 2009**

**SECTION 8 & 15**

**SAID RECORDS SHOW TITLE TO BE IN:**

***INFORMATION BUILDERS, INC.***

***A NEW YORK CORPORATION***

**By Authority of the**

**Under Secretary of Commerce for Intellectual Property**

**and Director of the United States Patent and Trademark Office**

  
**N. WILLIAMS**

**Certifying Officer**



**Int. Cl.: 35**

**Prior U.S. Cl.: 101**

**Reg. No. 2,223,450**

**United States Patent and Trademark Office**

**Registered Feb. 16, 1999**

**SERVICE MARK  
PRINCIPAL REGISTER**

**FOCUS FORECASTING**

**SMITH, BERNARD T. (UNITED STATES CITIZEN)  
P.O. BOX 1653  
BUTLER, PA 16003**

**FOR: CONSULTING SERVICES IN THE FIELD OF INVENTORY MANAGEMENT AND CONTROL FOR BUSINESSES INCLUDING THE USE OF COMPUTERS AND COMPUTER TECHNIQUES IN THE FIELD OF INVENTORY MANAGEMENT AND CONTROL FOR BUSINESSES, IN CLASS 35 (U.S. CL. 101).**

**FIRST USE 0-0-1974; IN COMMERCE 0-0-1974.**

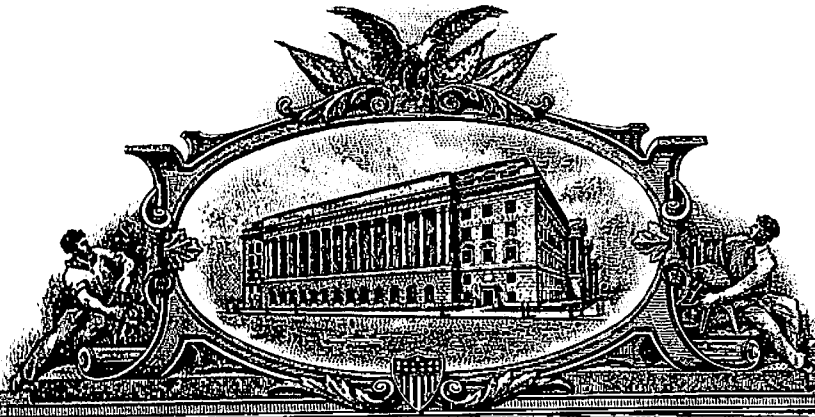
**OWNER OF U.S. REG. NO. 1,491,976.**

**NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FORECASTING", APART FROM THE MARK AS SHOWN.**

**SER. NO. 74-360,016, FILED 2-18-1993.**

**TOMAS V. VLCEK, EXAMINING ATTORNEY**

7212890



# THE UNITED STATES OF AMERICA

~~TO ALL TO WHOM THESE PRESENTS SHALL COME:~~  
~~UNITED STATES DEPARTMENT OF COMMERCE~~

United States Patent and Trademark Office

November 20, 2009

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REGISTERED FOR A TERM OF 10 YEARS FROM *February 16, 1999*  
*1st* RENEWAL FOR A TERM OF 10 YEARS FROM *February 16, 2009*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*INFORMATION BUIDLERS, INC.*  
*A NEW YORK CORPORATION*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

N. WILLIAMS  
Certifying Officer



**Int. Cl.: 9**

**Prior U.S. Cl.: 26**

**United States Patent and Trademark Office**

**Reg. No. 2,223,457**

**Registered Feb. 16, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**FOCUS FORECASTING**

**SMITH, BERNARD T. (UNITED STATES CITI-  
ZEN)  
P.O. BOX 1653  
BUTLER, PA 16003**

**FOR: COMPUTER PROGRAMS RECORDED  
ON ELECTRONIC MEDIA, NAMELY TAPES  
OR DISCS, FOR USE BY BUSINESSES TO  
PLAN INVENTORY NEEDS AND TO  
MANAGE AND CONTROL INVENTORY, IN  
CLASS 9 (U.S. CL. 26).**

**FIRST USE 0-0-1978; IN COMMERCE  
0-0-1978.**

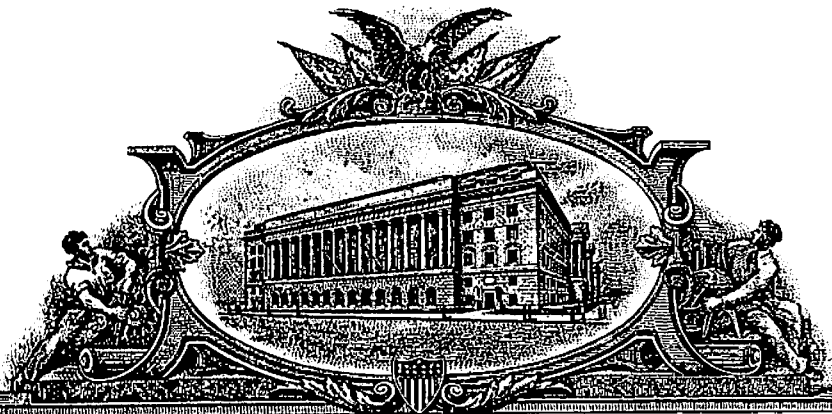
**OWNER OF U.S. REG. NO. 1,491,976.**

**NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "FORECASTING", APART  
FROM THE MARK AS SHOWN.**

**SER. NO. 74-537,859, FILED 6-15-1994.**

**ARI LEIFMAN, EXAMINING ATTORNEY**

7212890



# THE UNITED STATES OF AMERICA

~~TO ALL TO WHOM THESE PRESENTS SHALL COME:~~

United States Patent and Trademark Office

November 20, 2009

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REGISTERED FOR A TERM OF 10 YEARS FROM *June 01, 1999*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *June 01, 2009*

SECTION 8 & 15

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*REGISTRANT*

By Authority of the

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

N. WILLIAMS

Certifying Officer



**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**Reg. No. 2,248,562**

**United States Patent and Trademark Office**

**Registered June 1, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**WEBFOCUS**

**INFORMATION BUILDERS, INC. (NEW YORK  
CORPORATION)  
1250 BROADWAY  
NEW YORK, NY 10001**

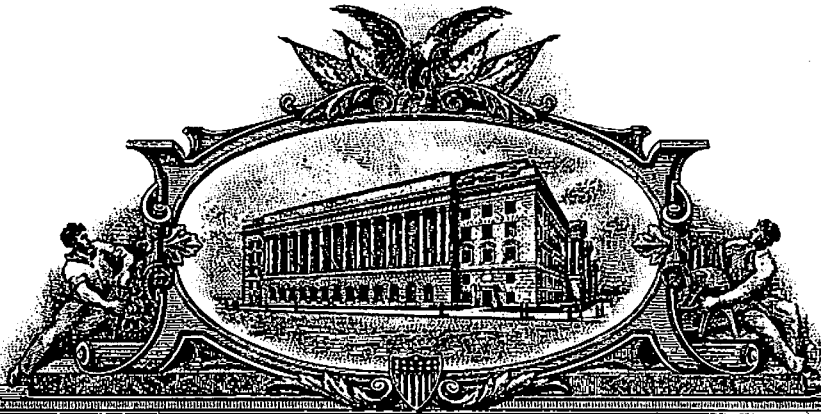
**FIRST USE 4-0-1996; IN COMMERCE  
4-0-1996.**

**SER. NO. 75-250,817, FILED 3-3-1997.**

**FOR: COMPUTER PROGRAMS FOR DATA  
BASE MANAGEMENT, IN CLASS 9 (U.S. CLS.  
21, 23, 26, 36 AND 38).**

**J. TINGLEY, EXAMINING ATTORNEY**

7212890



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**November 18, 2009**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,606,298 IS  
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PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *August 13, 2002***

**SECTION 8 & 15**

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***Registrant***

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
E. BORNETT  
Certifying Officer





**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 2,606,298**

**Registered Aug. 13, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**FOCUS**

INFORMATION BUILDERS, INC. (NEW YORK  
CORPORATION)  
2 PENN PLAZA  
NEW YORK, NY 101212898

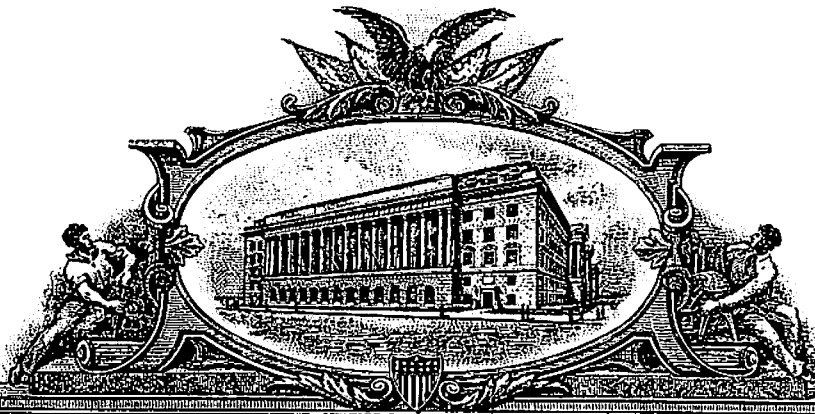
FIRST USE 12-0-1996; IN COMMERCE 12-0-1996.

SER. NO. 75-603,513, FILED 12-11-1998.

FOR: COMPUTER SERVICES, NAMELY, PRO-  
VIDING ONLINE INFORMATION TO FACILITATE  
DEMONSTRATION, TEST USE, AND ORDERING  
OF COMPUTER SOFTWARE, IN CLASS 42 (U.S. CLS.  
100 AND 101).

CAROLYN PENDLETON, EXAMINING ATTOR-  
NEY

7212890



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**November 19, 2009**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,685,249 IS  
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PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *February 11, 2003*  
SECTION 8 & 15**

**SAID RECORDS SHOW TITLE TO BE IN:**

***REGISTRANT***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

*W. Montgomery*  
**W. MONTGOMERY**

**Certifying Officer**



**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**United States Patent and Trademark Office**

**Reg. No. 2,685,249**

**Registered Feb. 11, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**WEBFOCUS**

**INFORMATION BUILDERS, INC. (NEW YORK  
CORPORATION)  
2 PENN PLAZA  
NEW YORK, NY 101212898**

**FOR: COMPUTER SOFTWARE FOR DATABASE  
MANAGEMENT; COMPUTER SOFTWARE FOR  
ACCESSING DATABASES BY MEANS OF GLOBAL  
COMPUTER NETWORKS TO GENERATE RE-  
PORTS; SOFTWARE DEVELOPMENT TOOLS FOR  
MAKING REPORTING AND ANALYSIS AVAIL-  
ABLE THROUGH GLOBAL COMPUTER NET-  
WORK WORLDWIDE WEBSITES AND FOR  
EXTENDING THE FUNCTIONALITY OF ENTER-  
PRISE REPORTING AND ANALYSIS SYSTEMS ON**

**TO GLOBAL COMPUTER NETWORKS; AND COM-  
PUTER SOFTWARE FOR ACCESSING AND UP-  
DATING DATABASES THROUGH GLOBAL  
COMPUTER NETWORKS, IN CLASS 9 (U.S. CLS.  
21, 23, 26, 36 AND 38).**

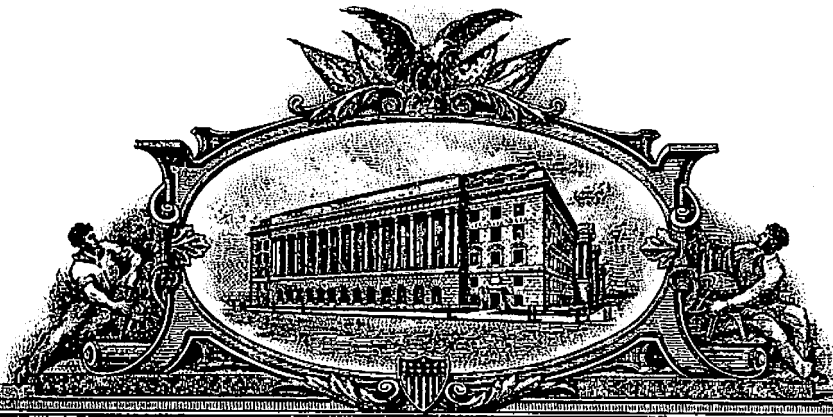
**FIRST USE 4-0-1996; IN COMMERCE 4-0-1996.**

**OWNER OF U.S. REG. NO. 2,248,562.**

**SER. NO. 76-081,024, FILED 6-30-2000.**

**JAMES A. RAUEN, EXAMINING ATTORNEY**

7213271



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**November 24, 2009**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,989,088 IS  
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**REGISTERED FOR A TERM OF 10 YEARS FROM *August 30, 2005***

**SAID RECORDS SHOW TITLE TO BE IN:**

***INFORMATION BUILDERS INC.***

***A NY CORP***

**By Authority of the**

**Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**



*P. R. Grant*

**P. R. GRANT**

**Certifying Officer**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**United States Patent and Trademark Office**

**Reg. No. 2,989,088**

**Registered Aug. 30, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**FOCUS**

**INFORMATION BUILDERS, INC. (NEW YORK  
CORPORATION)  
TWO PENN PLAZA  
NEW YORK, NY 101212898**

**FOR: BUSINESS ACCOUNTABILITY SOFTWARE  
TO INSURE COMPLIANCE WITH GOVERNMENTAL  
REQUIREMENTS AND STANDARDS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

**FIRST USE 6-17-2003; IN COMMERCE 6-17-2003.**

**THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NOS. 1,652,265 AND  
2,821,942.**

**SER. NO. 78-346,655, FILED 12-30-2003.**

**KELLY CHOE, EXAMINING ATTORNEY**